UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,008	01/11/2002	Namit Jain	OR01-07401	8148

51067	7590	03/15/2006	EXAMINER	

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EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/044,008	JAIN ET AL.
		Examiner	**Art Unit**	
		Shin-Hon Chen	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 December 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-8,10-15 and 17-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-8,10-15 and 17-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-8, 10-15, and 17-24 have been examined.

Response to Arguments

2.   Regarding applicant argument that Meffert in view of Liu doesn't suggest the aspect of

verifying the identity of both sender and the receiver. The examiner disagrees with applicant.

Meffert explicitly disclose verifying the identity of the sender and the receiver by means of

entering a password before enabling the user to send or receive content (Meffert : Page 7,

Paragraph 74); Paragraph 70 in page 6 of the application is more specific as it disclose that

"Logon password and certificate passphrase can be validated against the registry and the user

profile. The passphrase is required to access the private key to permit decryption of the encrypted

content" . Furthermore Meffert discloses that even if the recipient is not registered the recipient

will only be able to view the content after verifying recipient credential (Meffert: Page 7,

Paragraph 73).

3.   Regarding applicant arguments that Meffert doesn't discloses a third party system. The

examiner agrees with the applicant. However, Meffert as modified by Liu teaches using a third

party system "Remailer" that perform non-repudiation services (Liu: Page 2, Paragraph 18) that

keep record of transactions and making it impossible for either user to deny its involvement in

content transfer (Liu: Page 2, paragraph 26 & page 5, paragraph 45). Claims 1 and 2 in the

application are more specific as they disclose using a **third party system** to provide irrefutable

proof that the recipient received a message or that a sender have sent that message.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all ·

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 3-8, 10-15, and 17-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Meffert et al. US (2002/0059144) in view of Liu US (2002/0143710).

6.   Regarding claims 1,8, 15, and 22-24: Meffert discloses a method to enable a database

system to prove that an origin system sent a message, the method comprising: creating a message

at an origin; (Page 7, Paragraph 72, lines1-4) computing a digest of the message; (Page 7,

Paragraph 72, lines 14-18) signing the digest using an origin private encryption key; (Page 7,

Paragraph 72, lines 41-21) sending the message and the digest to a queue located in third party

device for delivery to a recipient;(Page 6, Paragraph 66 & Page 7, Paragraph 72 the control

server and the database can be located on different devices or in the same device) receiving the

message and the digest at the queue; (Page 8, Paragraph 76 lines 23-27) placing the message and

digest on the queue and persistently storing a record of this transaction (Page 7, Paragraph 72

lines 21-25 / a tracking number is assigned to the package and stored.....the sent database is updated),

and notifying the recipient that the message is available.(Page 8, Paragraph 76, lines 27-30)

generating a request at the recipient to receive the message from the queue located in the third

party device; (Page 7, Paragraph 74, lines 3-6) creating a signature for the request using a

recipient private encryption key; sending the request and the signature to the queue;(Page 8, Paragraph 77, lines 14-23) validating the request at the queue (Page 7, Paragraph 38, lines 4-9) and if the request is valid, sending the message to the recipient (Page 7, Paragraph 38, lines 8-11 & Page 4, Paragraph 38, lines 3-6) but he doesn't explicitly disclose Verifying that the digest was signed at the origin by using an origin public encryption key and notifying the recipient if the digest is verified and sending the message digest to the recipient if the request is valid; signing the digest at the recipient using the recipient private encryption key to create a signed digest; and validating the signed digest before sending the message. However Liu disclose a method for certified transmission system where he discloses generating a message digest and encrypting the digest to create a signature (Page 2, Paragraph 25) and verifying the signature at the server before granting the recipient access to the document (Page 4, Paragraph 0037, lines 12-15 and Page 4, Paragraph 38); encrypting the message digest using the recipient private key (Page 4, Paragraph 37, Lines 1-8) and validating the signed digest at the queue using the recipient public encryption key before the transmission is complete (Page 4, Paragraph 37, lines 14-22). Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Meffert system with the teaching of Liu to include the steps of verifying the message signature before notifying the recipient of the message and sending the message digest to the recipient; creating a signed digest; and validating the signed digest before sending the message. One would be motivated to do so in order to enable the system to provide message origin and/or destination non-repudiation service for all messages (Page 1, paragraph 5 & Page 4, Paragraphs 43-47) . Additionally verifying the message digest at the server guarantees that the receipt provided by the server will be for the same message.

7.   Regarding claims 3, 10 and 17: Meffert discloses the method of claims 22, 23, and 24

respectively, further comprising passing the message and the digest through a plurality of queues

between the origin and the recipient (Page 6, Paragraph 68, lines 1-14) whereby the recipient and

the origin are subscribers of different queues (Page 6, Paragraph 69, lines 1-6 and Page 10,

Paragraph 96, lines 1-9)

8.   Regarding claims 4, 11 and 18: Meffert discloses the method of claim 3, 10, and 17

respectively, further comprising passing the message and the digest through a plurality of

databases, wherein each database in the plurality of databases includes at least one queue of the

plurality of queues. (Page 6, Paragraph 66 and item 500 of FIG. 1)

9.   Regarding claim 5, 12 and 19: Meffert discloses the method of claims 1, 8 and 15

respectively, wherein the origin public encryption key and the origin private encryption key are a

key pair of a public key encryption system.(Page 3, Paragraph 36 and Page 8, Paragraph 76,

lines 13-27)

10.   Regarding claim 6, 13 and 20: Meffert discloses the method of claims 1, 8, and 15

respectively, wherein the recipient public encryption key and the recipient private encryption key

are a key pair of a public key encryption system. (Page 6, Paragraph 65 and Page 7, Paragraph

70, lines 22-31)

11.   Regarding claims 7, 14 and 21: Meffert discloses the method of claims 1, 8, and 15

respectively, wherein computing the digest includes using one of message digest 2 (MD2),

message digest 4 (MD4), message digest 5 (MD5), secure hash algorithm (SHA), and secure

hash algorithm 1 (SHAI). (Page 7, Paragraph 72, lines 12-18)

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Mitty et al. U.S. Pub. No. 20010037453 discloses secure electronic transactions using a

trusted intermediary with non-repudiation of receipt and contents of message.

Bush et al. U.S. Pat. No. 6963971 discloses method for authenticating electronic

documents and provide for non-repudiation of authenticated documents by sender and recipient.

Jivsov U.S. Pat. No. 6904521 discloses non-repudiation of e-mail messages through

trusted third party arbiter.

Olkin et al. U.S. Pub. No. 20030046533 discloses secure e-mail system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The

examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC

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